

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER SCHIRO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CEMEX, S.A.B. de C.V., CEMEX LATAM
HOLDINGS, S.A., FERNANDO A. GONZÁLEZ
OLIVIERI and JOSÉ ANTONIO GONZALEZ
FLORES,

Defendants.

Case No.: 18-cv-02352-VEC

**NOTICE OF MOTION TO DISMISS THE
SECOND AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that defendant CEMEX LatAm Holdings, S.A., upon the accompanying memorandum of law dated September 5, 2019, all other pleadings, proceedings, and material on file in this action, such matters and facts of which the Court may take judicial notice, and upon such further written and oral argument as may be presented to the Court, will move this Court, before the Honorable Valerie Caproni, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, Courtroom 443, on the date and time to be set by the Court, for an order dismissing the Second Amended Class Action Complaint for Violation of the Federal Securities Laws in the above-captioned matter with prejudice for failure to state a claim and lack of personal jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(2), and awarding it such other and further relief as the Court deems appropriate.

Dated: September 5, 2019

SHEARMAN & STERLING LLP

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